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July 18, 1997

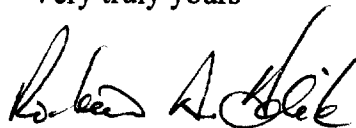
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: MM Docket No. 87-268

Dear Mr. Caton

Submitted on behalf of GOCOM-Ouachita License, L.L.C., licensee of Television Broadcast Station KTVE, El Dorado, Arkansas, are an original and four copies of its opposition to a petition for reconsideration filed by Trinity Broadcasting Network in the above-captioned proceeding relating to the Commission's proposed Table of Allotments for digital television (DTV).

Very truly yours



Richard A. Helmick

Enclosures

cc w/encl.: Colby M. May, Esq.



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JUL 18 1997

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20541

BEFORE THE

Federal Communications Commission

In the Matter of) MM Docket No. 87-268
)
Advanced Television Systems)
and Their Impact Upon the Existing)
Television Broadcast Service)
)
To: The Commission)

OPPOSITION OF GOCOM-OUACHITA LICENSE, L.L.C. TO TRINITY BROADCASTING NETWORK PETITION FOR RECONSIDERATION

GOCOM-Ouachita License, L.L.C., licensee of Television Broadcast Station KTVE, El Dorado, Arkansas ("GOCOM" or "KTVE"), by its attorneys, submits this opposition to the Petition for Reconsideration in the above-captioned proceeding, filed on June 13, 1997, by the Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network ("TBN"). In addition to supporting the contemporaneously-filed Petition for Reconsideration of Sinclair Broadcast Group, Inc., TBN requests assignment of different DTV channels for various full power stations (including KTVE), "in order to permit the continued operation" of many of its translator facilities. In support of its opposition, GOCOM sets forth the following.

1. TBN notes that it is the licensee (and permittee) of some 222 translator stations throughout the United States. The list appended to TBN's petition lists 47 such translator facilities seeking "protection" from full-power station DTV channel assignments, and proposes 56 changes in the assignments made by the Commission in the Sixth Report and Order in this docket. The changes proposed by TBN are unsupported and unjustified.

2. The Engineering Statement attached to the TBN Petition for Reconsideration notes that the alternative channel assignments it proposes are derived from the MSTV/NAB computer study dated May 28, 1997. Significantly, TBN confesses that "based on its own studies" (not supplied), the alternative channels will not "displace" any authorized LPTV or TV translator facility. TBN admittedly was not able to verify the assumptions it used, but assures the Commission nevertheless that its proposed "selections" were made "to maintain the highest level of LPTV/translator service". In the text of its Petition (at page 2), TBN asserts, without any support even in its own Engineering Statement, that the proposed substitutions will continue the service replication "scheme" specified in the Sixth Report and Order. It asserts that its proposed substitutions "will not increase instances of interference" (this is said to be "explained" in the Engineering Statement", but it is not) and states that "it is believed" that the proposed substitutions would still allow the current full power NTSC facilities to locate their DTV operations within the three-mile radius of their current sites. Significantly, however, TBN does not even attempt to show what, if any, study it made of how the problem it cites for its translator stations might have been addressed by changes in the *translator* station channels rather than changing the Commission's DTV channel assignments for *full service* TV stations.

3. Nowhere does TBN acknowledge the "ripple effect" (or "chain reaction") which proposals such as this and many of the other 219 petitions for reconsideration will generate. The Commission's task was, as TBN acknowledges (but then ignores), "enormous" and "extremely difficult". But what TBN really seeks to upset is the *Commission's* first priority -- the replication during the NTSC-DTV transition of the full-power television service in the United States, in favor

of its *own* priority, the preservation of LPTV/translator service which it acknowledges has been from the start and remains a "secondary" service.

4. Moreover, TBN casually ignores the impact of the proposed reassignments of DTV channels on the licensees it would adversely affect. For Station KTVE in El Dorado, the Commission's assigned DTV Channel 27 is proposed to be changed to DTV Channel 32. No mention is made of the fact that DTV Channel 32 is also assigned to Little Rock, Arkansas and Alexandria, Louisiana and would be short-spaced to DTV Channel 32 allocation at El Dorado, Arkansas (and to six existing NTSC channel allocations). See attached Engineering Statement of Cohen, Dippell and Everist, P.C. Most importantly, it is naive in the extreme for TBN to expect that its proposed changes can be accomplished in isolation, without any residual effects on and/or from changes proposed by other petitioners.

5. Finally, although TBN was considerate enough to serve the TV stations *directly* affected by its proposed DTV assignment changes, the process by which *indirect* effects may occur from the various petitions for reconsideration cry out for correction from a procedural point of view. In many cases, there is no procedural protection for adversely affected licensees, since the proceeding is entirely too complex to permit the usual petition for rule making, Notice of Proposed Rule Making, etc., which ordinarily would attend proposed changes in TV channel allotments. This defect can be cured by dismissal or denial of petitions suggesting particular changes in specific channel assignments, with the remedy, for those who perceive themselves to be aggrieved by particular allotments, of permission to file *specific* rule making petitions leading to a more complete public disclosure and comment process than can attend the 220 petitions for reconsideration which were clearly intended to elicit additional comment on the *general* propositions adopted by the

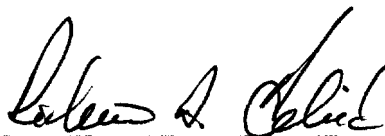
Commission in the Sixth Report and Order. Even MSTV/NAB, whose engineering study is cited by TBN and indeed represents the foundation of TBN's petition, has suggested an industry coordinating process to address changes in the DTV allotments as may be needed and warranted in future cases, rather than a wholesale revision of the assignments set forth in the Sixth Report and Order based on 220 detailed and inevitably overlapping petitions for reconsideration.

6. Based on the foregoing opposition, GOCOM respectfully requests that the Commission dismiss or deny the TBN Petition for Reconsideration, in its entirety or, at least, insofar as it requests a change in the DTV allotment for KTVE.

Respectfully submitted

GOCOM-OUACHITA LICENSE, L.L.C.

By



Richard A. Helmick

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(202) 293-3860

Its Attorneys

July 18, 1997

ENGINEERING STATEMENT
RESPONSE TO PETITION FOR RECONSIDERATION
IN MM DOCKET NO. 87-268
ON BEHALF OF
KTVE(TV), EL DORADO, ARKANSAS

JULY 1997

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

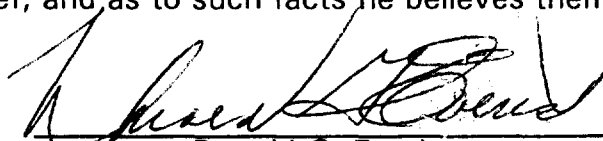
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.



Donald G. Everist
District of Columbia
Professional Engineer
Registration No. 5714

Subscribed and sworn to before me this 17th day of July, 1997.



Notary Public

My Commission Expires: 2/28/98

This engineering statement has been prepared on behalf of KTVE(TV), El Dorado, Arkansas. KTVE(TV) has authorized this firm to review the Petition for Reconsideration in MM Docket 87-268 concerning "In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service" ("Report and Order").

This review has identified many issues which KTVE(TV) will consider and will offer its ideas as permitted by the Federal Communications Commission ("FCC") in the Public Notice dated July 2, 1997. This Notice permits further time until August 22, 1997 in which to address the issues concerning prediction methodology as specified in OET Bulletin No. 69. The review also identified an additional filing in the form of a Petition for Reconsideration in MM No. Docket 87-268 prepared on behalf of Trinity Christian Center of Santa Ana, Inc. ("Trinity"). This engineering statement is directed to that filing.

KTVE(TV) notes that in the engineering statement accompanying the Trinity petition for reconsideration that Trinity requests that it be permitted to continue to use its translator frequency assignment (Channel 27) for K27EF. Similarly, Trinity proposes that KTVE(TV) be given the Channel 32 as a substitute DTV channel allotment. KTVE(TV) opposes this request since the Trinity engineering statement offered no studies to support its conclusion that this DTV channel substitution (Channel 27 to 32) would be a comparable DTV channel for KTVE(TV).

An analysis has been performed using the distance separations adopted in the Report and Order. Table I provides the DTV to DTV and DTV to NTSC allocations situation for Channel 27. Table II provides the DTV to DTV and DTV to NTSC allocation situation for Channel 32.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE I
DTV TO DTV AND DTV TO NTSC SPACING STUDY
FOR THE ASSIGNED CHANNEL 27
KTVE(TV), EL DORADO, ARKANSAS
JULY 1997

<u>Offset</u>	<u>Channel</u>	<u>Azimuth</u>	<u>Call</u>	<u>City/State</u>	<u>Power</u>		<u>Distance</u>	
					kW	HAAT(m)	Actual	Required
DTV to DTV UHF Studies								
Complies With All Spacings								
DTV to NTSC UHF Studies								
N + 3	30	296.1	New	El Dorado, AR	100	155	49.2	96.6
N + 3	30	207.0	New	El Dorado, AR	5000	367	37.1	96.6
N-7	20	349.8	New	Hot Springs, AR	2570	412	148.1	96.6
N + 8	35	127.3	New	Vicksburg, MS	5000	316	118.8	96.6
N + 8	35	127.3	New	Vicksburg, MS	5000	89	118.8	96.6

COHEN, DIPPELL AND EVERIST, P. C.

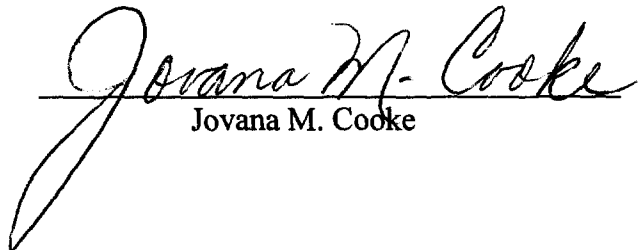
TABLE II
DTV TO DTV AND DTV TO NTSC SPACING STUDY
FOR SUBSTITUTE CHANNEL 32
KTVE(TV), EL DORADO, ARKANSAS
JULY 1997

<u>Offset</u>	<u>Channel</u>	<u>Azimuth</u>	<u>Call</u>	<u>City/State</u>	<u>Power</u>		<u>Distance</u>	
					kW	HAAT(m)	Actual	Required
DTV to DTV UHF Studies								
N + 0	32	352.6	KARK TV	Little Rock, AR	1000	503	192.5	223.7
N + 0	32	190.3	KLAX TV	Alexandria, LA	50	333	170.5	223.7
DTV to NTSC UHF Studies								
N + 0	32	98.0	New	Yazoo City, MS	776	111	173.9	244.6
N - 2	30	296.1	New	El Dorado, AR	100	155	49.2	96.6
N - 2	30	207.0	New	El Dorado, AR	5000	367	37.1	96.6
N + 3	35	127.3	New	Vicksburg, MS	5000	316	118.8	96.6
N + 3	35	127.3	New	Vicksburg, MS	5000	89	118.8	96.6
N + 7	39	173.3	KMCT TV	West Monroe, LA	562	152	63.9	96.6

CERTIFICATE OF SERVICE

I, Jovana M. Cooke, a secretary in the law firm of Cohn and Marks, hereby certify that I have, this 18th day of July, 1997, sent by U.S. mail, postage prepaid, the foregoing **OPPOSITION OF GOCOM OUACHITA LICENSE, L.L.C. TO TRINITY BROADCASTING NETWORK PETITION FOR RECONSIDERATION** to the following:

Colby M. May, Esq.
Suite 609
1000 Thomas Jefferson Street, N.W.
Washington, D.C. 20007


Jovana M. Cooke